

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ENLIGHTENED TODAY, LLC,

Plaintiff,

vs.

SOULMATEMEDIUM LLC AND DOES 1
through 10,

Defendants.

CASE NO.

COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Enlightened Today, LLC (hereinafter “Plaintiff”), by and through its undersigned attorneys, avers and states as follows for its Complaint:

NATURE OF THE ACTION

This is an action for trademark and copyright infringement, false designation of origin, and unfair competition.

THE PARTIES

1. Plaintiff is an entity organized and existing under the laws of Florida, with a principal place of business located at 7901 4th St. N., Suite 3000 St. Petersburg, FL 33702.

3. Defendant is a business entity that is engaged in the use of original works and sale of services that infringe upon Plaintiff's rights. Upon information and belief, Defendant does business as The Relationship Psychics and operates its business through, among other means, the website: <https://therelationshippsychics.com>.

3. Defendant is a business entity that is engaged in the use of original works and sale of services that infringe upon Plaintiff's rights. Upon information and belief, Defendant does business as The Relationship Psychics and operates its business through, among other means, the website: <https://therelationshippsychics.com>.

4. Plaintiff does not know the true names and capacities, whether individual, corporate, associate, or otherwise, of the defendants named herein as DOES 1 through 10, inclusive. Plaintiff therefore sues them by use of fictitious names. Plaintiff will amend this Complaint appropriately once the true names and capacities of Doe Defendants 1 through 10 are learned. As used below, the term “Defendants” shall collectively refer to the named Defendants together with the defendants identified as DOES 1 through 10.

JURISDICTION AND VENUE

5. This action arises under the copyright laws of the United States, the Lanham Act, 15 U.S.C. § 1051 et seq. and the Copyright Act, 17 U.S.C. § 501 et seq. It also arises under state statutory and common law.

6. Federal question jurisdiction is conferred pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 15 U.S.C. § 1121(a). Jurisdiction over the claims brought under state statutory and common law is conferred pursuant to 28 U.S.C. §§ 1338(b) and 1367(a).

7. Venue is proper within this judicial district under 28 U.S.C. §§ 1391(b)-(c), 1400(a). Defendants or their agent(s) may be found in this district because personal

1 jurisdiction is proper in this district. Additionally, this is a judicial district in which a
2 substantial part of the events or omissions giving rise to the infringement claims occurred.

3 8. Defendants are subject to personal jurisdiction in this district as they have a
4 place of business in this district and/or purposefully directs or directed their activities toward
5 and conduct regular and substantial business with consumers throughout the United States,
6 including within the State of Washington and this district, through at least the Internet-based e-
7 commerce stores accessible in Washington. On information and belief, Defendants have
8 purposefully directed a substantial portion of their illegal activities towards consumers in
9 Washington through the advertisement, offer to sell, sale, and/or shipment of infringing goods
10 into Washington. Plaintiff's infringement claims arise out of those activities.
11

12 **BACKGROUND FACTS**

13 9. Plaintiff is a Florida-based advertising and e-commerce business which owns
14 various brands aiming to capture consumer interest through the development of creative
15 works, drive engagement with its e-commerce offerings, and grow sales.
16

17 10. One of Plaintiff's brands is Spiritual Society® for which it owns a federally-
18 registered trademark with registration no. 7,070,429. Plaintiff operates the Spiritual Society®
19 brand through, among other means, the website: <https://spiritualsociety.co/>.
20

21 11. Among its services, Spiritual Society® offers tarot card readings, relationship
22 coaching, and astrology consultancy.

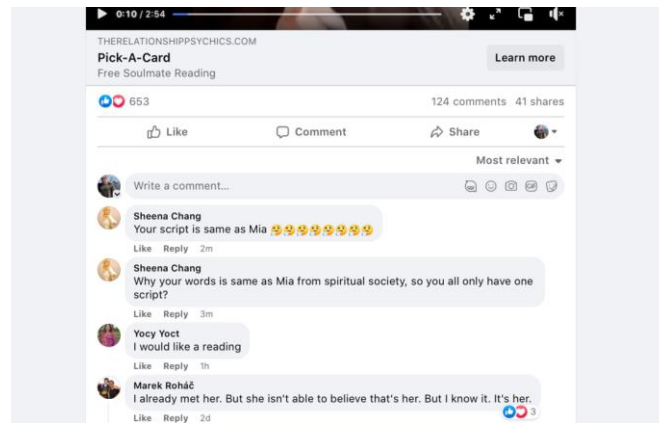
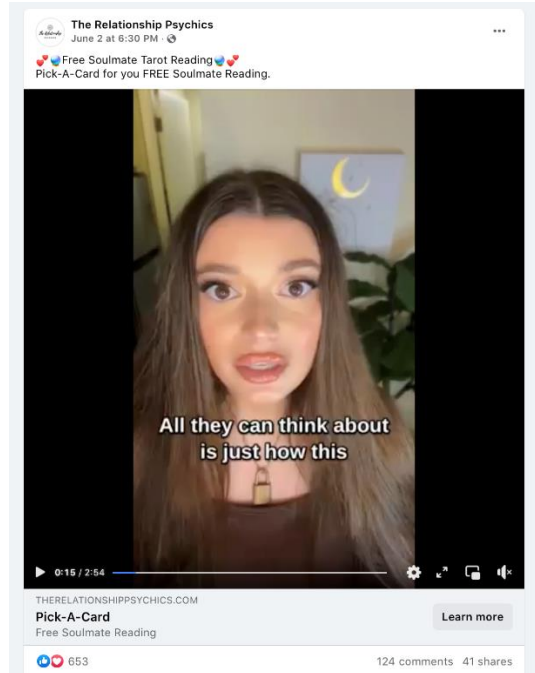
23 12. Plaintiff has developed creative materials to promote its services and spark
24 consumer interest. Its online landing pages include, for example, original imagery, photos,
25 videos and text copy. In a series of videos, a Spiritual Society® spokesperson named "Mia"
26 recites content from various scripts which are original works of authorship developed by

1 Plaintiff and specifically phrased to entice the interests of potential customers seeking tarot
2 card readings, relationship coaching, and astrology consultancy. Plaintiff has applied for and
3 obtained copyright registration for three of these scripts, bearing Copyright Registration No.
4 TXu 2-373-534, a copy of which is attached hereto as Exhibit A.

5
6 13. Defendant directly competes with Plaintiff through the provision of services on
7 its website and through its mobile application, The Relationship Psychics. Like Plaintiff, The
8 Relationship Psychics offer astrology consultations as well as tarot card readings. Among
9 other ways, Defendant promotes its services to potential consumers throughout the internet
10 including on social media sites like Facebook.

11 14. Recently, Plaintiff discovered that Defendant was disseminating video
12 advertisements on Facebook, where a Relationship Psychics spokesperson named “Megan”
13 recites Plaintiff’s copyrighted scripts, nearly verbatim. Some eagle-eyed Facebook users have
14 even recognized Defendants’ copying of Plaintiff’s work, by asserting that “[Megan’s] script
15 is the same as Mia” and “Why [are] your words the same as Mia from Spiritual Society ...?”
16

17 ///



15. Plaintiff has and continues to suffer ongoing daily and sustained violations of its intellectual property rights at the hands of Defendants herein.

16. In particular, Defendants have copied Plaintiff's copyrighted works without Plaintiff's authorization and repurposed them for their own uses to unlawfully compete with Plaintiff and convince potential consumers to engage with Defendant and purchase Defendants' services rather than Plaintiff's.

1 17. Plaintiff is harmed, the consuming public is duped and confused, and the
2 Defendants earn substantial profits in connection with the infringing conduct.

3 18. Defendants are the individuals and/or entities that promoted, offered for sale,
4 sold, and distributed services infringing Plaintiff's intellectual property rights.

5 19. Upon information and belief, Defendants had full knowledge of Plaintiff's
6 intellectual property rights, including Plaintiff's rights in its original scripts.

7 20. Defendants' use of the copyrighted script applied in the exact same manner and
8 on the same type of services as Plaintiff, has caused or is likely to cause confusion, and/or to
9 cause mistake, or to deceive as to the affiliation, connection, and/or association of Defendants
10 with Plaintiff, or as to the origin, sponsorship, or approval of Defendants' services.
11 Defendants' conduct as alleged above, through commercial advertising and promotion,
12 including in the Western District of Washington, has misrepresented the origin of Plaintiff's
13 goods.
14
15

16 **Count 1 – Federal Trademark Infringement and Unfair Competition**

17 **(Against All Defendants)**

18 21. Plaintiff re-alleges and incorporates by reference the full text of Paragraphs 1
19 through 20 as though fully set forth herein.

20 22. Plaintiff's relationship coach "Mia" is distinctive indicator of source for
21 Plaintiff's services. As a source indicator, "Mia" provides significant value to Plaintiff and
22 contributes to Plaintiff's goodwill with consumers. This is due in part to the fact that "Mia"
23 adeptly delivers the content in a way which is likely to capture in the attention of potential
24 consumers interested in tarot card readings, relationship advice, and astrology consulting.
25
26

1 23. Defendants were aware of Plaintiff's rights in and to "Mia" and were further
2 aware that Plaintiff did not authorize Defendants to use Plaintiff's content to create its copycat
3 relationship coach, "Megan." Nevertheless, in complete disregard of Plaintiff's superior rights
4 and in willful infringement of those rights, Defendants intentionally began advertising
5 competing services through "Megan's" recitation of Plaintiff's unique and distinctive works.
6

7 24. Defendants' improper and infringing use of "Megan" is likely to cause
8 confusion, mistake, and/or deception among consumers as to the source, quality, and/or nature
9 of Defendants' goods. Defendants' use of "Megan" via its offer of tarot card readings,
10 relationship advice, and astrology consulting likely creates the misconception that Plaintiff
11 somehow ratifies or authorizes Defendants' infringing uses and/or that Defendants are
12 affiliated in some way with Plaintiff, when this is not the case.
13

14 25. Defendants' unauthorized creation and use of "Megan" constitutes infringement
15 of an unregistered trademark and unfair competition in violation of Section 43(a) of the
16 Lanham Act, 15 U.S.C. § 1125(a)(1)(a).

17 26. Defendants' infringing uses have caused Plaintiff damages for which Plaintiff
18 seeks to recover from Defendants in an amount according to proof at trial.

19 27. Moreover, because Defendants' unauthorized creation and use of "Megan"
20 prevents Plaintiff from exclusive control over its intellectual property rights and because
21 Defendants' use is likely to cause confusion, mistake, and/or deception among consumers,
22 Plaintiff lacks an adequate remedy at law. Defendants' actions will continue unless enjoined
23 by this Court. Accordingly, Plaintiff is entitled to an injunction enjoining Defendants from
24 further infringing uses.
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Count 2 – Common Law Trademark Infringement and Unfair Competition
(Against All Defendants)

28. Plaintiff re-alleges and incorporates by reference the full text of Paragraphs 1 through 27 as though fully set forth herein.

29. Due to Plaintiff's longstanding use and widespread efforts throughout the United States to draw potential consumers' interest to Spiritual Society®, "Mia" has become well known and accepted by the public and serve to distinguish Plaintiff's services from those of others.

30. "Mia" and the unique content she delivers to consumers, is an inherently distinctive. Plaintiff has been consistently using "Mia" throughout the United States as a source identifier for its goods and has acquired common law trademark rights throughout Washington and the rest of the United States.

31. Defendants creation and use of "Megan" using Plaintiff's unique and distinctive content, is likely to cause confusion with "Mia" and deceive consumers as to the true source of the services.

32. Plaintiff and Defendants are business competitors as they both sell tarot card readings, relationship coaching, and astrology consultancy online to consumers nationwide.

33. On information and belief, the relevant public is likely to identify Defendants' advertising videos by "Megan" as those from Plaintiff, or to believe or be confused or deceived as to whether Plaintiff has some connection or association with Defendants' services, because "Megan's" videos sound identical to "Mia's" videos.

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1 34. On information and belief, Defendants have committed the foregoing acts with
2 notice of Plaintiff's rights and such actions were willful and intended to cause confusion, to
3 cause mistake, or to deceive.

4 35. Defendants' conduct as alleged above is unfair and unlawful under the common
5 law of Washington.

6 36. As a result of Defendants' conduct described above, Plaintiff has lost profits and
7 suffered additional harm to its reputation and goodwill.

8 37. On information and belief, as a result of Defendants' conduct described above,
9 Defendants have unfairly acquired or retained revenues, in an amount to be proven at trial.
10 Plaintiff is entitled to an order that Defendants disgorge all such unfairly acquired money.

11 38. Defendants' conduct has caused, and will continue to cause, irreparable harm to
12 Plaintiff, harm for which Plaintiff has no adequate remedy at law. For those reasons, Plaintiff
13 is entitled to preliminary and permanent injunctive relief to prevent further acts of unfair
14 competition.

15 39. Defendants' conduct was malicious, oppressive and fraudulent and undertaken
16 with the express purpose and design of willfully depriving Plaintiff of its rights. Plaintiff is
17 entitled to punitive damages in an amount sufficient to punish and make an example of
18 Defendants, according to proof at trial.

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22 **Count 3 – False Designation of Origin**

23 **(Against All Defendants)**

24 40. Plaintiff re-alleges and incorporates by reference the full text of Paragraphs 1
25 through 39 as though fully set forth herein.

41. Defendants' use of the advertisements featuring "Megan" reciting Plaintiff's unique and distinctive content delivered by "Mia," without Plaintiff's consent, is a false designation of origin causing a likelihood of confusion, mistake, and deception as to source, sponsorship, affiliation, and/or connection in the minds of the public. Defendants' conduct has infringed Plaintiff's rights in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(a).

42. By reason of the foregoing, Plaintiff has been injured in an amount not yet fully determined. Further, Defendants have been unjustly enriched by virtue of their deception of consumers and misappropriation of Plaintiff's goodwill.

43. As a result of Defendants' acts of infringement, Plaintiff suffered and will continue to suffer irreparable harm for which Plaintiff has no adequate remedy at law, including damage to Plaintiff's goodwill. Unless Defendants' acts of infringement are enjoined by this Court, Plaintiff will continue to suffer irreparable harm.

44. Defendants' actions have been knowing, intentional, wanton, and willful. The principles of equity warrant an award of treble damages and profits, attorney's fees, and the costs of this action pursuant to 15 U.S.C. § 1117.

Count 4 – Copyright Infringement

(Against All Defendants)

45. Plaintiff re-alleges and incorporates by reference the full text of Paragraphs 1 through 44 as though fully set forth herein.

46. 17 U.S.C. § 501 prohibits, inter alia, anyone from copying original expression from a copyrighted work during the term of the copyright without the owner's permission.

1 47. Plaintiff is, and at all relevant times has been, the copyright owner with respect
2 to the original scripts recited by Plaintiff's spokesperson "Mia." These scripts are the subject
3 of a Certificate of Copyright Registration issued by the Register of Copyrights: Registration
4 No. TXu 2-373-534. The various works are entitled "Enlightened Today intro Jan 2023,"
5 "Enlightened Today Main March 2022," and "Enlightened Today Upsell November 2022."

6 48. Plaintiff uses the scripts in connection with videos of its spokesperson "Mia" and
7 Plaintiff's sale of services.
8

9 49. Plaintiff did not authorize permit, or allow in any manner the use of the
10 copyrighted scripts by Defendants.

11 50. Defendants infringed the Copyright by producing and distributing videos
12 featuring their spokesperson "Megan" substantially reciting the scripts, and in some instances
13 nearly verbatim, and by using these videos to advertise and sell services directly competitive
14 with Plaintiff.
15

16 51. On information and belief, Defendants' infringement has been undertaken
17 knowingly and with intent to financially gain from Plaintiff's copyrighted works, or,
18 Defendants acted with reckless disregard for, or willful blindness to, Plaintiff's rights.
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20 52. Defendants' conduct as alleged above has damaged and will continue to damage
21 Plaintiff. Plaintiff's damages include, but are not limited to, the loss of sales due to
22 Defendants' diversion of sales of products through its use of the copyrighted scripts in its
23 marketing, promotion, and advertising of their services.

24 53. On information and belief, as a result of Defendants' conduct alleged above,
25 Defendants have been unjust enriched and have wrongfully profited.
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1 5. That the Court award the maximum statutory damages permitted for each work
2 infringed pursuant to 17 U.S.C. §504.

3 6. For costs of suit and fees incurred herein; and

4 7. For such other and further relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a jury trial on all issues so triable.

Dated: June 30, 2023

Respectfully Submitted:

s/ A. Louis Dorny

WSBA 55891

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